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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,726	03/22/1999	ATSUSHI KANAYAMA	0879-0228P	7491

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EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/273,726

Applicant(s)

KANAYAMA, ATSUSHI

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed May 20, 2003, regarding the Kasuya patent failing to disclose Applicant's "unique combination of control features" of claim 4 and "unique initialization process of the relative position determiner of claim 7," have been fully considered but they are not persuasive.

Applicant opines that Kasuya does not drive a lens unit to a limit of a movement range according to a signal outputted from an absolute position determiner when a power supply is turned on. And that the absolute position determiner further fails to detect the subject reaching the limit of the movement range, so that data outputted from a relative position determiner is used effectively. Applicant is further of the opinion that the relative position determiner, of the Kasuya patent, is not initialized correspondingly to the present position of the subject in accordance with the data stored in a storage device. The examiner respectfully disagrees.

Similar to Applicant's claimed invention, Kasuya teaches, in col. 4, lines 1-42, an arithmetic unit first causes a lens to be driven to a target position in response to a signal indicating that the power supply is turned on. Then, according to a detection signal from the absolute position detecting means, the arithmetic unit finds if the position of the lens has reached a target position. The lens is then driven to a wide angle point and the arithmetic unit counts the number of pulses from the target position and the wide angle end point and stores the number. The arithmetic unit controls the driving action on the

lens according to a detection signal from the relative position detecting means by using data from the above discussed process.

Therefore, the rejection is maintained

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 4-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasuya (US5930054).

Regarding claims 4 and 11, Kasuya discloses, in figure 1A, a position determining device for determining a position of a subject (11) movable within a predetermined movement range, the position determining device comprising:

a relative position determiner (17) for determining a relative movement amount of the subject with respect to a reference point; and

an absolute position determiner (16) for determining an absolute position of the subject within the movement range (see col. 3, lines 49-67);

wherein the position determining device determines the position of the subject in accordance with data outputted from the absolute position determiner and the position

determining device operates until the absolute position determiner detects the subject reaching a limit of the movement range (see col. 3, lines 20-28; also col. 4, lines 1-42);

the reference point determination of the relative position determiner is established at the limit of the movement range of the subject after the absolute position determiner detects the subject reaching the limit of the movement range, and the position determining device determines the position of the subject in accordance with data outputted from the relative position determiner (see examiner's notes above).

Regarding claim 5, Kasuya discloses, in figure 1, the relative position determiner comprises an incremental rotary encoder (17) and a counter (20) for counting encode pulses outputted from the rotary encoder (see col. 3, lines 20-28); and

the absolute position determiner comprises a potentiometer (see col. 3, lines 20-28).

Regarding claim 6, Kasuya discloses the subject is a control member (11) of a lens control unit for controlling at least one of focus and zoom of a TV lens electrically (see col. 3, lines 3-5).

Regarding claims 7 and 12, see claim 4 above. In addition, Kasuya discloses a storage device (18) for previously storing standard output data of the absolute position determiner corresponding to a plurality of positions of the subject within the moveable range, and previously storing standard output data of the relative position determiner corresponding to the standard output data of the absolute position determiner, the reference point for the standard output data of the relative position determiner being

established at a limit of the movement range of the subject (see col. 3, lines 29-34; col. 4, lines 1-58 and col. 7, lines 11-20).

Regarding claim 8, see claim 7 above.

Regarding claim 9, see claim 2 above.

Regarding claim 10, see claim 3 above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

RNT  
July 26, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600